REMARKS

By this Amendment, Applicant amends claims 1 and 13. Claims 1-4, 13, and 17 remain currently pending. Support for the amendments may be found in the specification at, for example, page 10, line 25, to page 11, line 1.

In the Office Action, the Examiner indicated new ground(s) of rejection and rejected claims 1 and 13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,408,395 to Sugahara et al. ("Sugahara"); rejected claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Sugahara in view of Microsoft, Use Power Schemes for the Tablet PC ("Microsoft"); rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Sugahara in view of U.S. Patent No. 6,928,567 to Nakai ("Nakai"); and rejected claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Sugahara in view of JP 11065712A to Shimada ("Shimada").[1]

Regarding the new ground(s) of rejection

The Office Action states that "Applicant's arguments with respect to claims 1-4, 13 and 17 have been considered but are moot in view of the new ground(s) of rejection." (Office Action at 2.) Applicant respectfully disagrees and points out that the grounds of rejection of claims 1-4, 13, and 17 are the same as those listed in the previous Office Action of July 1, 2008. In fact, the only difference in the text of the claim rejections appears to be paragraph "3" added on page 3 of the current Office Action. Despite the addition of paragraph "e," the current Office Action does not provide any substantive response to Applicant's previous arguments filed on September 30, 2008.

[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

"Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." M.P.E.P. § 707.07(f). Accordingly, because the Office Action failed to respond to Applicant's arguments in the Amendment filed on September 30, 2008, Applicant respectfully requests that the next Office Action, if any, should not be made final. Applicant further requests that any subsequent communication from the Office provide a substantive response to Applicant's arguments.

Regarding the rejection under 35 U.S.C. § 102(b)

Applicant respectfully traverses the rejection of claims 1 and 13 under 35 U.S.C. § 102(b) as being anticipated by Sugahara. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See M.P.E.P. § 2131, quoting Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1, as amended, recites a combination including, for example,

> an operation mode determination unit configured to independently determine whether or not the current operation mode acquired by the operation mode acquisition unit corresponds to a desired operation mode by determining whether or not a current time belongs to a time zone of the acquired current operation mode indicated by the time zone information set by the time zone setting unit; [and]
>
> an operation mode control unit configured to carry out at least one of screen saver control, monitor power control, hard disk power control, and CPU processing speed control based upon the desired operation mode.

Sugahara fails to disclose at least these features of amended claim 1.

In contrast, Sugahara discloses "a power save function remote control method for a system having a first information processing apparatus and at least one second information processing apparatus which are coupled via a network." Sugahara, column 2, lines 11-14. The first information process apparatus includes "a server processor 54 including a member structure/schedule storage part 51, a control signal transmission part 52, and a tabulation/analysis part 53. . . . The functions of the control signal transmitting part 52 and the tabulation/analysis part 53 are realized by executing corresponding programs by the CPU 42. The control signal transmitting part 52 transmits a power save control signal depending on the schedule stored in the member structure/schedule storage part 51 or, depending on an external request." Sugahara, column 5, lines 36-49.

However, Sugahara's teaching of a remotely transmitted power save control signal does not constitute "an operation mode determination unit configured to independently determine whether or not the current operation mode acquired by the operation mode acquisition unit corresponds to a desired operation mode," as recited in amended claim 1 (emphasis added). In fact, Sugahara teaches away from these features.

In the portions of Sugahara cited by the Examiner, Sugahara explicitly states that

> A step S21 decides whether or not the power save control is carried out by the personal computer 32, based on the existence of received status information and the received status information. The process ends if the decision result in the step S21 is YES. On the other hand, if the decision result in the step S21 is NO, a step S22 analyzes the cause for not carrying out the power save control,

> based on the existence of the received status information and the received status information. A step S23 decides whether or not the reissuance of the power save control signal is necessary or, possible.

Sugahara, column 7, lines 5-15.

That is, Sugahara merely describes that when a server, which has transmitted a power save control signal to a client in which a setting of power save control is made, receives status information indicating that power save control is not carried out from the client. The server analyzes the cause for not carrying out the power save control and, if necessary or possible, retransmits the power save control signal to the client based on the analysis. However, such teaching of Sugahara does not constitute "a desired operation mode by determining whether or not current time belongs to time zone of the acquired current operation mode indicated by the time zone information set by the time zone setting unit," as recited in amended claim 1 (emphasis added).[2]

Furthermore, Sugahara fails to disclose at least "an operation mode control unit configured to carry out at least one of screen saver control, monitor power control, hard disk power control, and CPU processing speed control based upon the desired operation mode," as recited in amended claim 1 (emphasis added).

The Office Action alleges that "Sugahara teaches controlling power supplied to components such as display, hard disk drives, etc... in accordance with a desired power

[2] These features are advantageous over the Sugahara system. For example, according to claim 1 each apparatus compares current time and time zone when a current operation mode should be applied, and determines whether or not the current operation mode corresponds to a desired operation mode. With this system, each apparatus is suspended in a normal mode, and even if the apparatus is resumed in time zone when a power save mode should be applied, the switching to the desired operation mode can be promptly and independently carried out. In contrast, in Sugahara, a client keeps operating in a wrong operation mode until a server transmits a control signal to the client according to a schedule managed by the server.

save mode (i.e. operation mode)." (Office Action at 3.) Applicant respectfully disagrees.

Sugahara only mentions that "the hardware and circuits to which the supply of power is temporarily stopped in the power save mode include a display, hard disk drive and the like." Sugahara, column 1, lines 38-40. However, Sugahara's general mention of stopping power supply for a display, hard disk drive and the like does not constitute "an operation mode control unit configured to carry out at least one of screen saver control, monitor power control, hard disk power control, and CPU processing speed control based upon the desired operation mode," as recited in amended claim 1 (emphases added).

Therefore, Sugahara fails to disclose each and every element of amended claim 1. Sugahara thus cannot anticipate amended claim 1 under 35 U.S.C. § 102(b). Further, amended independent claim 13, while of different scope, recites similar features to those of amended claim 1. Amended claim 13 is therefore also allowable for at least the same reasons stated above. Accordingly, Applicant respectfully requests withdrawal of the Section 102(b) rejection of amended claims 1 and 13.

Regarding the rejections under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejection of claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Sugahara in view of Microsoft.

To establish obviousness based on a combination or suggestion of prior art, "Office personnel must articulate . . . a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference

between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference." M.P.E.P. § 2143.A.

Claims 2 and 3 depend from claim 1 and require all elements of amended claim 1. As explained above, Sugahara fails to teach or suggest at least

> an operation mode determination unit configured to independently determine whether or not the current operation mode acquired by the operation mode acquisition unit corresponds to a desired operation mode by determining whether or not current time belongs to time zone of the acquired current operation mode indicated by the time zone information set by the time zone setting unit; [and]
>
> an operation mode control unit configured to carry out at least one of screen saver control, monitor power control, hard disk power control, and CPU processing speed control based upon the desired operation mode.

as recited in amended claim 1 and required by claims 2 and 3 (emphases added). Microsoft fails to cure the deficiencies of Sugahara.

The Office Action alleges that "Microsoft explicitly teaches turning off a monitor and/or hard drive in a power conservation mode when no operation of the computer is made beyond a time period shorter than a time period when not in a power conservation mode [page 3]." (Office Action at 4.) Even assuming the allegation is correct, which Applicant does not concede, Microsoft fails to teach or suggest at least the above-quoted elements as recited in amended claim 1 and required by claims 2 and 3.

Therefore, Sugahara and Microsoft fail to teach or suggest all elements required by claims 2 and 3, and these claims are not obvious. Accordingly, Applicant respectfully requests withdrawal of the Section 103(a) rejection of claims 2 and 3.

Applicant respectfully traverses the rejection of claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Sugahara in view of Nakai. Claim 4 depends from claim 1

and requires all elements of amended claim 1. Nakai, as well, fails to cure the deficiencies of Sugahara with respect to at least the above-quoted elements of amended claim 1 and required by claim 4.

The Office Action alleges that "Nakai explicitly teaches that power can be conserved in a power saving mode by reducing a disk rotation speed [col. 18 lines 12-20]." (Office Action at 4.) Even assuming the allegation is correct, which Applicant does not concede, Nakai fails to teach or suggest at least the above-quoted elements recited in amended claim 1 and required by claim 4. Accordingly, Applicant respectfully requests withdrawal of the Section 103(a) rejection of claim 4.

Applicant respectfully traverses the rejection of claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Sugahara in view of Shimada. Claim 17 depends from claim 1 and requires all elements of amended claim 1. Shimada fails to cure the deficiencies of Sugahara with respect to at least the above listed features of amended claim 1 and required by claim 17.

The Office Action alleges that "Shimada teaches operating a system in a silence mode [0007 and 0009]." (Office Action at 6.) Even assuming the allegation is correct, which Applicant does not concede, Shimada fails to teach or suggest at least the above listed features recited in amended claim 1 and required by claim 17 (emphases added).

Further, Shimada fails to teach or suggest at least "only in the power save mode, the screen saver control inhibits start of a screen saver, the monitor power control turns off a monitor after a pre-determined time period since operations of a keyboard and a touch pad stopped, the hard disk control turns off a hard disk after a pre-determined

time period since data access to the hard disk stopped, and the CPU processing speed control reduces a processing speed of a CPU," as recited in amended claim 17.

Accordingly, Applicant respectfully requests withdrawal of the Section 103(a) rejection of claim 17.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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